#### APPENDIX A

#### **SECTION 3 DEFINITIONS**

Applicant means any entity which makes an application for Section 3 covered assistance, and includes, but is not limited to, any State, unit of local government, public housing agency, Indian housing authority, Indian tribe, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization (CHDO), resident management corporation, resident council, or cooperative association.

Business concern means a business entity formed in accordance with State law, and which is licensed under State, county or municipal law engages in the type of business activity for which it was formed.

Business concern that provides economic opportunities for low-and very low-income persons. See definition of "Section 3 business concern" in this section.

Contract. See definition of "Section 3 covered contract" in this section.

Contractor means any entity, which contracts to perform work generated by the expenditure of Section 3 covered assistance, or for work in connection with a Section 3-covered project.

Department or HUD means the Department of Housing and Urban Development, including its Field Offices to which authority has been delegated to perform functions under this part. The Field Office is identified as Housing and Community Development Department (HCDD).

Employment opportunities generated by Section 3 covered housing and community development assistance. This term means all employment opportunities arising in connection with Section 3 covered projects (as described in 135.3(a)(2)), including management and administrative jobs connected with the Section 3 covered project. Management and administrative jobs include architectural, engineering or related professional services required to prepare plans, drawings, specifications, or work write-ups; and jobs directly related to administrative support of these activities, e.g., construction manager, relocation specialists, payroll clerk, etc.

Housing and community development assistance means any financial assistance provided or otherwise made available through a HUD housing or community development program through any grant, loan, loan guarantee, cooperative agreement, or contract, and includes community development funds in the form of community development block grants, and loans guaranteed under Section 108 of the Housing and Community Development Act of 1974, as amended. Housing and community development assistance does not include financial assistance provided through a contract of insurance or guaranty.

JTPA means the Job Training Partnership Act (29 U.S.C. 1579(a).

Low-income person. See the definition of "Section 3 resident" in this section.

*Metropolitan area* means the Low – Moderate Income statistical area, as established by the 2000 Census data.

#### Neighborhood area means:

- (1) For HUD housing programs, a geographical location within the jurisdiction of a unit of general local government (but not the entire jurisdiction) designed in ordinances, or other local documents as a neighborhood, village, or similar geographical designation.
- (2) For HUD community development programs, see the definition, if provided, in the regulations for the applicable community development program, or the definition for this term in 24 CFR 570.204(c)(1).

*New hires* mean full-time employees for permanent, temporary or seasonal employment opportunities.

Other HUD programs means HUD programs, other than HUD public and Indian housing programs that provide housing and community development assistance for "Section 3 covered projects", as defined in this section. Attached is the map that includes geographical areas of the eligible Low to Moderate Income areas.

Recipient means any entity which receives Section 3 covered assistance directly from HUD or from another recipient and includes, but is not limited to, any State, unit of local government, PHA, IHA, Indian Tribe, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council or cooperative association. Recipient also includes any successor, assignee or transferee of any such entity, but does not include any ultimate beneficiary under the HUD program to which Section 3 applies and does not include contractors.

Secretary means the Secretary of Housing Urban Development (HUD).

Section 3 means Section 3 of the Housing Urban Development Act of 1968, as amended (12 USC 1701u).

Section 3 business concern means a business concern, as defined in this section.

- (1) That is 51 percent or more owned by Section 3 residents; or
- (2) Whose permanent, full-time employees include persons, at least 30 percent of whom are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents, or
- (3) That provides evidence of a commitment to by contract in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in paragraphs (1) or (2) in this definition of "Section 3 business concern".

Section 3 clause means the contract provisions set forth in 24 CFR 135.38.

- (1) Assistance provided under any HUD housing or community development program that is expended for work arising in connection with:
   (i) Housing rehabilitation (including reduction and abatement of lead-based paint
  - (i) Housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair and replacement);
  - (ii) Housing construction; or
  - (iii) Other public construction projects (which includes other buildings or improvements, regardless of ownership).

Section 3 covered contract means a contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 covered assistance, or for work arising in connection with a Section 3 covered project. "Section 3 covered contracts" do not include contracts awarded under HUD's procurement program, which are governed by the Federal Acquisition Regulation System (see 48 CFR, Chapter 1). "Section 3 covered contracts" also do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered contract. For example, a contract for the purchase and installation of a furnace would be a Section 3 covered contract because the contract is for work (i.e., the installation of a furnace) and thus is covered by Section 3.

Section 3 covered project means the construction, reconstruction, conversion or rehabilitation of housing (including reduction and abatement of lead-based paint hazards), other public construction which includes buildings or improvements (regardless of ownership) assisted with housing or community development assistance.

Section 3 resident means: (1) A public housing resident; or (2) An individual who resides in the Low to Moderate Income areas in which the Section 3 covered assistance is expended, and who is:

- (i) A low-income person, as this term is defined in Section 3(b)(2) of the 1937 Act (42 U.S.C. 1437a(b)(2). Section 3(b)(2) of the 1937 Act defines this term to mean families (including single persons) whose incomes do not exceed 80 per centum of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low-income families; or
- (ii) A very low-income person, as this term is defined in Section 3(b)(2) of the 1937 Act (42 U.S.C. 1437a(b)(2)). Section 3(b)(2) of the 1937 Act (42 U.S.C. 1437a(b)(2)) defines this term to mean families (including single persons) whose incomes do not exceed 50 per centum of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes

## SECTION 3 APPLICATION

Recipient (Borrower/Developer) Name	
Recipient (Borrower/Developer) Address	
Contact Person	
Phone	
FAX	
E-Mail	
Federal Tax Identification Number	
State Tax Identification Number	
Project Name	
Project Address	
Strategy Area Project is located in	
Date Application Submitted	
Dollar Amount Award	
General Contractor Name	
General Contractor Address	
Contact Person	
Phone	
FAX	
E-Mail	
Federal Tax Identification Number	
State Tax Identification Number	
Date Awarded Contract	
Appointed Section 3 Coordinator	
Dollar Amount Award for this contract	

## SECTION 3 RESIDENT CERTIFICATION – COMPLETED BY HCDD

1.	I am a resident of the City of Houston, Texas and have been since
2.	My current address is
3.	My source of income is
٥.	(exact source, i.e. employers name, SSI, AFDC, etc)
4.	My monthly income is \$ and my yearly income is \$
Sign	ature
Tele	phone Number:

## City OF HOUSTON §

#### SECTION 3 BUSINESS CERTIFICATION - COMPLETED BY HCDD

The undersigned makes this affidavit with full knowledge that its contents will be used in the expenditure of funds provided by the United States Government. Under penalty of perjury he/she hereby states:

1.	I am the of
	(owner, partner, officer, representative, agent) (Company Name) and whose business concerns is (check only one)
	() 51 percent or more is owned by Section 3 residents; or
	() Whose permanent, full-time employees include persons, at least 30 percent of whom are currently Section 3 residents, or within three (3) years of the date of first employment with the business concern were Section 3 residents; or
	() Provides subcontracts in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in paragraph I.B.(1) or (2) of the definition of Section 3 business concerns.
	() None of the above
2.	And the Project I/We claim preference in the category indicated below (check only one)
	() (Category 1 business) Business concerns that are 51 percent or more owned by residents of the housing development(s) for which the Section 3 covered assistance is expended, or whose full-time, permanent work force includes 30 percent of these person as employees;
	() (Category 2 business) Business concerns that are 51 percent or more owned by residents of other housing development(s) managed by the Housing Authority, or whose full-time, permanent work force includes 30 percent of these persons as employees;

()	(Cate	gory	3 ł	ousiness)	

HUD Youthbuild programs being carried out in the City of Houston, Texas where the Section 3 covered assistance is expended;

#### () (Category 4 business)

Business concerns that are 51 percent or more owned by Section 3 residents; or, whose permanent, full-time work force includes no less than 30 percent Section 3 residents; or, that subcontract in excess of 25 percent of the dollar awarded of the total amount of the subcontracts identified above as a **Category 1** or a **Category 2 business.** 

Affiant's Signature: \_\_\_\_\_\_ Address: \_\_\_\_\_\_ Affiant's Title: \_\_\_\_\_ Telephone: \_\_\_\_\_\_ Affiant's Company Name:

Subscribed and sworn to under oath before me this \_\_\_\_\_ day of \_\_\_\_\_\_, 20\_\_\_.

My commission expires: \_\_\_\_\_ NOTARY:

## **CONTRACTOR'S SECTION 3 COMPLIANCE CERTIFICATION**

expe	•	with full knowledge that its contents  Jnited States Government. Under p	
1.	I am the(owner, partner, officer, representations)	entative, agent) (Company N	Jame)
2.	1968, as amended, 12 U.S.C. 1 "good faith effort" given to ide the Section 3 service area, mak their participation and actually	n 3 of the Housing and Urban Deve 701u which requires, to the greatest ntifying small businesses located wi ing them aware of contracting oppo awarding contracts to Section 3 bus buston and their referral system.	extent feasible, that a ithin the boundaries of ortunities, encouraging
3.	participation by Section 3 resid	dertake outreach activities intended lents in training and employment op the referral established by the City of Houston Works.	portunities, to include
Affi	ant's Signature:	Address:	
Affi	ant's Title:	Telephone:	
Affi	ant's Company Name:		
Sub	scribed and sworn to under oath b	pefore me this day of	, 20
My	commission expires:		
NO.	ΤΔΡΥ·		

#### CITY OF HOUSTON HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT SECTION 3 COMPLIANCE

#### **First Source Hiring Agreement – Contractor**

This agreement, is entered into this \_\_\_ day of \_, 201\_, by and between the City of Houston and, hereinafter referred to as the "City", and hereinafter referred to the "Contractor", in connection with work to be performed in relation to the City's HUD-assisted project entitled, hereinafter referred to as the "project".

Whereas, HUD has promulgated certain regulations to implement Section 3 of the Housing and Urban Development (HUD) Act of 1968 (12 U.S.C. 1701u)(Section 3), which regulations were published in the <u>Federal Register</u> June 30, 1994 at page 33865, hereinafter referred to as the "Section 3 regulations"; and

Whereas, the purpose of Section 3 regulations is to ensure that employment and other economic opportunities generated by Section 3 covered assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low-and very low-income persons, and to business concerns, which provide economic opportunities to such persons.

Whereas, HUD has set forth numerical employment, and contracting goals to be achieved by all Community Development recipients of Section 3 covered assistance and by other recipients of such assistance in which HUD's share exceeds \$200,000 per project and by those Contractors whose share of such projects exceeds \$100,000; and

Whereas, the numerical goal so established by HUD applicable to the Project is set forth below; and

Whereas, recipients of Section 3-covered assistance and their contractors can demonstrate compliance with the Section 3 regulations by committing to employ Section 3 eligible persons as the applicable percentage of the aggregate number of new hires during the time period involved in the Section 3-covered project; and

Whereas, the City and the Contractor are desirous of being in compliance with the Section 3 regulations as they relate to the Project;

Now Therefore, the City and the Contractor agree as follows:

- 1. The Contractor and any of its subcontractors shall supply the City with a list of all full-time employees currently employed, indicating which, if any, of said employees were hired within the past three years and were also low or very low-income persons when so hired;
- 2. The Contractor and any of its subcontractors shall provide a listing of any and all positions for which new

hires are expected to be required as a result of the Project;

The Contractor and any of its contractors will, to the greatest extent feasible, endeavor to hire 30% percent of the new hires generated by the Project from the

following list of Section 3-eligible groups, in the order of priority listed:

- A. Section 3 residents of service area or neighborhood;
- B. Youth build participants;
- C. Homeless projects; Homeless persons; and
- D. Other Section 3 residents.

Witness our hands and seals on the date first written above:

- 4. The Contractor and any of its subcontractors will be encouraged to make new hires from the list of Section 3-eligible groups in Paragraph 3 above for any and all other projects assisted with Federal funding, whether or not such project is subject to the Section 3 regulations;
- 5. The Contractor and any of its subcontractors shall accept referrals of Section 3-eligible persons from the City.

Provided, however, that nothing in this agreement is to be construed requiring any party hereto, or its subcontractors, to hire any person or persons who are unqualified to or incapable of carrying out the work required of any such new hires.

The City of Houston	Witness:
Department of Housing & Community Development	
by	
its Director	
Contractors Name:	Witness:
by	
its Owner/President	

#### CONTRACTOR WORKFORCE ANALYSIS FORM

#### ESTIMATED PROJECT WORK FORCE BREAKDOWN

	Total Estimated	No. Positions	Number of	Number of
	Positions Needed	Occupied by	Positions Not	Positions to be
Job Category	for Project	Permanent	Occupied	Filled w/Section 3
		Employees		Residents
Officer/Supervisor				
officer, puper visor				
Professionals				
Technical				
Hsg Sales/Rent				
Office/Clerical				
Service Workers				
Others				
TRADE:				
Journeymen				
Apprentices				
Laborers				
Trainees				
Others				
TRADE:				
Journeymen				
Apprentices				
Laborers				
Trainees				
Others				

EMPLOYMENT CERTIFICATION (make additional copies of this form if necessary)

The Company hereby certifies that the above table represents the appropriate number of employee's positions required in the execution of project and also represents the number of Section 3 service area residents that the company proposes to employ.

The Company certifies that it will make a good faith effort to employ the number of lower income employees stated utilizing such community-based
organizations and service agencies as the Texas Employment Commission and Houston Works.

Company:	Title:
By:	Date:

#### SUBCONTRACTOR WORKFORCE ANALYSIS FORM

#### ESTIMATED PROJECT WORK FORCE BREAKDOWN

	Total Estimated	No. Positions	Number of	Number of
	Positions Needed	Occupied by	Positions Not	Positions to be
Job Category	for Project	Permanent	Occupied	Filled w/Section 3
		Employees		Residents
Officer/Supervisor				
Professionals				
Technical				
Hsg Sales/Rent				
Ting Suites, Item				
Office/Clerical				
Service Workers				
Others				
TRADE:				
Journeymen				
Apprentices				
Laborers				
Trainees				
Others				
TRADE:				
Journeymen				
Apprentices				
Laborers				
Trainees				
Others				

EMPLOYMENT CERTIFICATION (make additional copies of this form if necessary)

The Company hereby certifies that the above table represents the appropriate number of employee's positions required in the execution of project and also represents the number of Section 3 service area residents that the company proposes to employ.

The Company certifies that it will make a good faith effort to employ the number of lower income employees stated utilizing such community-b	ased
organizations and service agencies as the Texas Employment Commission and Houston Works.	

Company:	Date:	
By:	Title:	

## **SECTION 3 BUSINESS UTILIZATION FORM**

pject Name:		Total Amount	t of Contract:				
Name of Prime Contractor:Address:  Name of Contact Person:Date:							
Check if a Section 3 Business concern							

## City OF HOUSTON HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

## **Real Estate Compliance**

#### CONTRACTOR SECTION 3 COMPLIANCE FORM

ONTRACTOR NAME				PROJEC	CT NA	AME					Racial/Ethical Codes: 1-White American		
				CONTRACT AMOUNT					2-Bla	ck American			
				DATE REPORT SUBMITTED						4Hi 5-Asi	tive American spanic Amer an Pacific		
HONE NUMBER		_								American 6-Hasidic Jews (For Part II			
Part 1: Employment and	Trair	ing (*Include	New Hires	In columns C and D.)									
A Job Category		B Number of N TOTAL / Se		C Total Number of staff hours for Section 3 Employee and Trainees *	es	D Number of Section 3 Employees and Trainees*			s D and E	d E, show Numbers			
Professionals													
Technicians													
Office/Clerical													
Construction by Trade (List) Trade:													
Trade:													
Trade:													
Trade:													
Trade::													
Other:(List)													
Part II Section A 3 Business													
A Type of Contracts		al dollar amoun arded on project		al dollar amount rded to Section 3	Se	otal number of ction 3 Business ceiving contract	ness For Columns D and E, show Nun		Numbers				
Construction													
Non-Construction													

#### CITY OF HOUSTON HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

# Real Estate Compliance SUBCONTRACTOR SECTION 3 COMPLIANCE FORM PROJECT NAME

CONTRACTOR NAME_	TRACTOR NAMEPROJECT NAME							
ADDRESS			CONTRAC	CT AMOUNT			1-White American 2-Black American	
CONTACT PERSON	DATE REPORT SUBMITTED						3-Native American 4Hispanic American 5-Asian Pacic American	
PHONE NUMBER								
Part 1: Employment and	Training (*Include	New Hires I	n columns C and D.)					
A Job Category	B Number of New Hires: TOTAL / Section 3		C Total Number of staff hours for Section 3 Employees and Trainees *	D Number of Section 3 Employees and Trainees*	Radical/E For Colun 1   2	now Numbers	/ Numbers	
Professionals								
Technicians								
Office/Clerical								
Construction by Trade (List) Trade:								
Trade:								
Trade:								
Trade:								
Trade::								
Other:(List)								
Part II Section A 3 Business								
A Type of Contracts	B Total dollar amou awarded on proje		C otal dollar amount arded to Section 3	D Total number of Section 3 Business receiving contract	E Radical/Ethnic Code(s) For Columns D and E, show Numbers 1   2   3   4   5   6			
Construction								
Non-Construction								

## **CONTRACTOR'S INCOME VERIFICATION FORM**

Contractor's Name:	Project Name:
Address:	Date Report Submitted:
Contact Person:	
Phone Number:	

		City OF HOUSTON SECTION 3 RESIDE	NTS		IS SALARY BELOW 80% OF MEDIAN		
NAME OF EMPLOYEE	TITLE	YES	NO	MONTHLY SALARY	YES	NO	

Houston-Baytown-Sugar Land 2008 Annual and Monthly Income Limits For Extremely Low-Income, Very Low-Income and Low-Income Families Under the Housing Act of 1937

Released March 10, 2010 (updated annually)

Persons in Household	30% of Median Extremely Low Income Annual Monthly Income Income		w Income Very Low-Income Monthly Annual Monthly		80% of Median Low-Income Annual Monthly Income Income		
1	\$13,400	\$1,117	\$22,350	\$1,863	\$35,750	\$2,979	
2	15,300	1,275	25,500	2,125	40,850	3,404	
3	17,250	1,438	28,700	2,392	45,950	3,829	
4	19,150	1,596	31,900	2,658	51,050	4,254	
5	20,700	1,725	34,450	2,871	55,150	4,596	
6	22,200	1,850	37,000	3,083	59,200	4,933	
7	23,750	1,979	39,550	3,296	63,300	5,275	
8	25,300	2,108	42,100	3,508	67,400	5,617	

FY 2008 Median Family Income \$63,800.00

#### \* Definitions (Source 24 CFR 570.3):

- 1. "Low and moderate income household" or "lower income household" means a household having an income equal to or less than the Section 8 lower income limits established by HUD. The method for determining income under the Section 8 Housing Assistance Payments program need not be used for this purpose.
  - 1. "Low and moderate income person" or "lower income person" means a member of a family having an income equal to or less than the Section 8 lower income limits established by HUD. Unrelated individuals shall be considered as one person families for this purpose. The method for determining income under the Section 8 Housing Assistance Payments program need not be used for this purpose.

